



SECRET

PATENT

Attorney's Matter No. 3382-51187

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Art Unit: 2763

Galen C. Hunt

CERTIFICATE OF MAILING

Application No.: 09/197,080

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on February 11, 1999, as First Class Mail in an envelope addressed to: BOX MISSING PARTS ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON D.C. 20231.

Filed: November 20, 1998

For: APPLICATION PROFILING USING  
STRUCTURAL METADATA DESCRIPTION FOR  
NETWORK-INDEPENDENT AUTOMATIC  
PARTITIONING AND DISTRIBUTION

Date: February 11, 1999

Stephen A. Wight  
Attorney for Applicant

TRANSMITTAL LETTER

TO THE ASSISTANT COMMISSIONER FOR PATENTS  
Washington, DC 20231

Enclosed for filing in the application referenced above are the following:

- ☒ Copy of Notice to File Missing Parts of Application--Filing Date Granted dated January 6, 1999.
- ☒ Filing Fee of \$760.00
- ☒ Assignment and Recordal Fee of \$40.00
- ☒ Combined Declaration and Power of Attorney
- ☒ Surcharge for Late Filing of Fee or Oath or Declaration:  
☒ \$130.00 - All Others
- ☒ A check in the amount of \$1,380.00 to cover the above-listed fees.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit over-payment, to Account No. 02-4550. A copy of this sheet is enclosed.

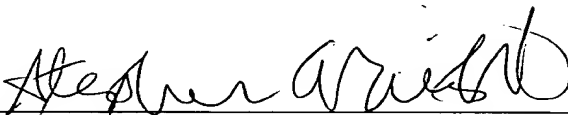


Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN CAMPBELL  
LEIGH & WHINSTON, LLP

By



Stephen A. Wight

Registration No. 37,759

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 226-7391  
Facsimile: (503) 228-9446

cc: MS Docketing (Ref. No. MS116626.2) (w/enclosures)  
Megan W. Thomas (w/o enclosures)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Galen C. Hunt

Application No. 09/197,080

Filed: November 20, 1998

For: APPLICATION PROFILING USING  
STRUCTURAL METADATA  
DESCRIPTION FOR NETWORK-  
INDEPENDENT AUTOMATIC  
PARTITIONING AND  
DISTRIBUTION

Examiner: Not yet assigned

Date: February 11, 1999

Art Unit: 2763

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS  
FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO:  
APPLICATION PROCESSING DIVISION, CUSTOMER  
CORRECTION BRANCH, COMMISSIONER OF PATENTS AND  
TRADEMARKS, WASHINGTON, D.C. 20231 ON February 11,  
1999

*Stephen A. Wight*  
Stephen A. Wight  
Attorney for Applicant

RECEIVED

MAY 20 1999

Group 2700

REQUEST FOR CORRECTED FILING RECEIPT

APPLICATION PROCESSING DIVISION  
CUSTOMER CORRECTION BRANCH  
COMMISSIONER OF PATENTS AND TRADEMARKS  
WASHINGTON, D.C. 20231

RECEIVED

MAR 18 1999

Group 2700

Applicant has received the official Filing Receipt for the above-identified patent application, copy attached as Exhibit A. A corrected filing receipt is requested for the two following points of information:

1) The continuing application information was left off of the receipt and should read:

**CONTINUING DATA AS CLAIMED BY APPLICANT -****THIS APPLN IS A CON OF 60/102,815 10/02/98**

Enclosed are copies of the first page of the application (Exhibit B) and the Combined Declaration and Power of Attorney (Exhibit C), both correctly state the continuing application information.

2) The title is typed incorrectly on the receipt, it is shown as:

APPLICATION PROFILING **USING** STRUCTURAL METADATA DESCRIPTION FOR  
NETWORK-INDEPENDENT AUTOMATIC PARTITIONING AND DISTRIBUTION

The title should read:

**APPLICATION PROFILING USING STRUCTURAL METADATA DESCRIPTION FOR  
NETWORK-INDEPENDENT AUTOMATIC PARTITIONING AND DISTRIBUTION**

Exhibits B and C also correctly state the application title.

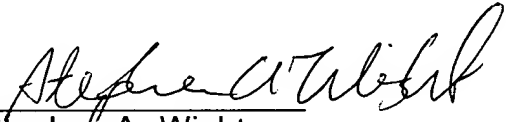
Applicant respectfully requests that a corrected filing receipt be issued and forwarded to applicant's attorney for this application.

Should any further information be desired, it is requested that the undersigned be telephoned to expedite the supply of such information.

Respectfully submitted,

KLARQUIST SPARKMAN CAMPBELL  
LEIGH & WHINSTON, LLP

By

  
Stephen A. Wight

Registration No. 37,759

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 226-7391  
cc: Patent Group Docketing Dept.  
Megan Thomas

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

**BEST AVAILABLE COPY**

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/197,080	11/20/98	2763	\$0.00	3382-51187	18	45	3

KLARQUIST SPARKMAN CAMPBELL LEIGH AND  
WHINSTON  
ONE WORLD TRADE CENTER  
121 S W SALMON ST  
PORTLAND OR 97204



CC: MICROSOFT  
MS Ref: 116626.2  
Date/Init: 1-21-99 mut

Receipt is acknowledged of this nonprovisional Patent Application. It is to be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

GALEN C. HUNT, BELLEVUE, WA.

CONTINUING DATA AS CLAIMED BY APPLICANT -  
THIS APPLN IS A CON OF 60/102,815 10/2/98

FOREIGN FILING LICENSE GRANTED 12/28/98

TITLE

APPLICATION PROFILING USING STRUCTURAL METADATA DESCRIPTION FOR  
NETWORK-INDEPENDENT AUTOMATIC PARTITIONING AND DISTRIBUTION

PRELIMINARY CLASS: 395

RECEIVED

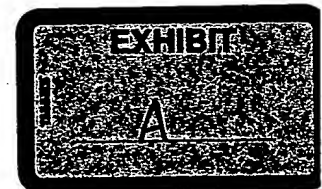
MAR 18 1999

RECEIVED

MAY 20 1999

Group 2700

PREVIOUSLY DOCKETED



RECEIVED

JAN 19 1999

KLARQUIST, SPARKMAN, CAMPBELL,  
LEIGH & WHINSTON

DATA ENTRY BY: ROBINSON, YOLANDA

TEAM: 06 DATE: 12/28/98

(see reverse)

**APPLICATION PROFILING USING STRUCTURAL METADATA DESCRIPTION**  
**FOR NETWORK-INDEPENDENT AUTOMATIC PARTITIONING AND**  
**DISTRIBUTION**

5

**RELATED APPLICATION DATA**

This application claims the benefit of U.S. Provisional Application No. 60/102,815, filed October 2, 1998, entitled "Automatic Partitioning and Distribution of Applications," the disclosure of which is incorporated by reference.

10

**TECHNICAL FIELD**

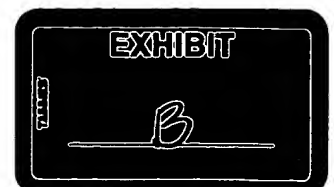
The present invention relates generally to profiling an application using a structural metadata description of the application, and combining the application profile with a network profile to enable network independent automatic partitioning and distribution of the application.

15

**BACKGROUND OF THE INVENTION**

Fueled by the growing importance of the Internet, interest in the area of distributed computing environments (two or more computers connected by a communications medium) has increased in recent years. Programmers desiring to take advantage of distributed computing environments modify existing application programs to perform on distributed computing environments, or design applications for placement on distributed computing environments.

A distributed application is an application containing interconnected application units ("units") that are placed on more than one computer in a distributed computing environment. By placing units on more than one computer in a distributed computing environment, a distributed application can exploit the capabilities of the distributed computing environment to share information and resources, and to increase application reliability and system extensibility. Further,



## COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled APPLICATION PROFILING USING STRUCTURAL METADATA DESCRIPTION FOR NETWORK-INDEPENDENT AUTOMATIC PARTITIONING AND DISTRIBUTION, the specification of which

- ☒ is attached hereto.
- ☐ was filed on \_\_\_\_\_ as Application No. \_\_\_\_\_.
- ☐ was described and claimed in PCT International Application No. \_\_\_\_\_, filed on \_\_\_\_\_, and as amended under PCT Article 19 on \_\_\_\_\_ (if applicable).
- ☐ and was amended on \_\_\_\_\_ (if applicable).
- ☐ with amendments through \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56. If this is a continuation-in-part application filed under the conditions specified in 35 U.S.C. § 120 which discloses and claims subject matter in addition to that disclosed in the prior copending application, I further acknowledge the duty to disclose material information as defined in 37 CFR § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT International application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign Application(s)

Priority  
Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	[ ] Yes	[ ] No
-------------------	--------------------	---------------------------------	------------	-----------



I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

60/102,815October 2, 1998

Application Number

Filing Date

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or § 365(c) of any PCT International application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT International filing date of this application:

(Application No.)(Filing Date)(Status: patented,  
Pending, abandoned)

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from \_\_\_\_\_ as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application, to file a corresponding international application, and to transact all business in the Patent and Trademark Office connected therewith:

Name	Reg. No.	Name	Reg. No.
Kenneth S. Klarquist	16,445	Garth A. Winn	33,220
James Campbell	19,978	Stephen A. Wight	37,759
James S. Leigh	20,434	Joel R. Meyer	37,677
Arthur L. Whinston	19,155	Joseph T. Jakubek	34,190
David P. Petersen	28,106	Robert F. Scotti	39,830
Richard J. Polley	28,107	Gregory V. Bean	36,448
Ramon A. Klitzke II	30,188	David J. Earp	41,401
William Y. Conwell	31,943	Lisa M. Caldwell	41,653
Mark L. Becker	31,325	Michael D. Jones	41,879
William D. Noonan	30,878	Steven D. Yates	42,242
John D. Vandenberg	31,312	Gregory L. Maurer	P43,781
John W. Stuart	24,540	Adam W. Bell	P43,490
Donald L. Stephens Jr.	34,022	Paula A. DeGrandis	P43,581
Stacey C. Slater	36,011	K. E. Sako	32,628
Donna J. Coningsby	41,684	Daniel D. Crouse	32,022

Address all telephone calls to Steven A. Wight at telephone number (503) 226-7391.



Address all correspondence to:

KLARQUIST SPARKMAN CAMPBELL  
LEIGH & WHINSTON, LLP  
One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, OR 97204-2988

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

---

Full Name of Sole Inventor: Galen C. Hunt

Inventor's Signature \_\_\_\_\_

\_\_\_\_\_ Date

Residence: 2967 162<sup>nd</sup> Ave SE, Bellevue, WA 98808

Citizenship: United States of America

Post Office Address: Same as above

CC: MICROSOFT  
MS Ref: 11626.2  
Date/Init: 1-11-99 mnt



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

MS/saw

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
--------------------	---------------------	-----------------------	---------------------------



KLARQUIST SPARKMAN CAMPBELL LEIGH AND  
WINSTON  
ONE WORLD TRADE CENTER  
121 S W SALMON ST  
PORTLAND OR 97204

NOT ASSIGNED

DATE MAILED: 01/06/99

### NOTICE TO FILE MISSING PARTS OF APPLICATION Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a  
☐ small entity (statement filed) ☐ non-small entity is \$

☐ 1. The statutory basic filing fee is:

- ☐ missing.
- ☐ insufficient.

Applicant must submit \$ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. Additional claim fees of \$ Including any multiple dependent claim fees are required.

\$ for independent claims over 3.

\$ for dependent claims over 20.

\$ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☐ 3. The oath or declaration:

- ☐ is missing or unexecuted.
- ☐ does not cover the newly submitted items.
- ☐ does not identify the application to which it applies.
- ☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825".

☐ 9. OTHER

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice **MUST** be returned with the reply

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

999 SSALERU 0000025 09197080

05 01 99